

Department of Homeland Security
United States Citizenship and Immigration Services
26 Federal Plaza
New York, NY 10278

Decision on Application for Naturalization



Refer to this File No. A# 34043189

Name and Address of Applicant

.....
Carlos Bustamante
67 East 11th Street, Apt # 525
New York, NY 10003
.....

Date: August 24, 2007

DECISION

On February 1st, 2007, you were granted a preliminary interview before an Officer of the United States Citizenship and Immigration Services relating to your N-400 Application for Naturalization, filed under Section 316 of the Immigration and Nationality Act.

Pursuant to the investigation and examination of your application, it is determined that you are ineligible for Naturalization for the following reasons:

- SEE ATTACHED -

This decision is made without prejudice toward the filing of a new application in the future. It is noted that you may be eligible to apply for naturalization again on or after you are eligible to meet the above requirement for naturalization.

If you desire to request a review hearing on this decision pursuant to Section 336(a) of the Act, you must file a request for a hearing within 30 days of the date of this notice. If no request for a hearing is filed within the time allowed, this decision is final. A request for hearing may be made to The District Director Services, with the United States Citizenship and Immigration Services office which made the decision, on Form N-336, Request for Hearing on a Decision in Naturalization Proceeding under Section 336 of the Act, together with a fee of \$265.00. A brief or other written statement in support of your request may be submitted with the Request for Hearing.

Any questions which you have may be answered by the Service office nearest your residence, or at the United States Citizenship and Immigration Services, 26 Federal Plaza, New York, NY 10278.

Sincerely,

Andrea J. Quarantillo
District Director Services

(x)Enclosure(s) N-336
Form N-335 (rev. 5/8/06)N
c.c:

DC

-Certified Mail-

Attachment(s) to Form N-335

Applicant: Carlos Bustamante
Application for Naturalization, Form N-400
Alien Number: A034043189
Application ID: ESC*001731308

Your application is hereby denied in accordance with the Title 8 Code of Federal Regulations Section(s) listed below:

Reason: Inability to establish Good Moral Character
CFR8 Reference: Part 316 General Requirements for Naturalization
Section 316.10 Good Moral Character

General requirements for Naturalization as stated in Section 316.2 state, in part, that an alien must establish that he or she:

“(a) *General*: ...To be eligible for naturalization, an alien must establish that he or she:

(7) For all relevant time periods under this paragraph, has been and continues to be a person of good moral character, attached to the principles of the Constitution of the United States, and favorably disposed toward the good order and happiness of the United States,

(b) Burden of proof. The applicant shall bear the burden of establishing by a preponderance of the evidence that he or she meets all of the requirements for naturalization...”

Section 316.10 states:

“(a) Requirement of good moral character during the statutory period.

(1) An applicant for naturalization bears the burden of demonstrating that, during the statutorily prescribed period, he or she has been and continues to be a person of good moral character. This includes the period between the examination and the administration of the oath of allegiance.

(2) In accordance with Section 101(f) of the Act, the Service shall evaluate claims of good moral character on a case-by-case basis taking into account the elements enumerated in this section and the standards of the average citizen in the community of residence. The Service is not limited to reviewing the applicant's conduct during the five years immediately preceding the filing of the application, but may take into consideration, as a basis for its determination, the applicant's conduct and acts at any time prior to that period, if the conduct of the applicant during the statutory period does not reflect that there has been reform of character from an earlier period or if the earlier conduct and acts appear relevant to a determination of the applicant's present moral character.

Explanation:

Your interview began on February 1st, 2007 with the administration of the prescribed oath.

The Service record shows that you were arrested on 12/06/1981 in San Diego, California and charged with Murder and Assault with a Deadly Weapon. On 11/08/1982, you plead guilty to PC192.2 – Involuntary Manslaughter, a Felony. You were sentenced to two years in prison. Despite the fact that your arrest occurred outside the statutory period, due to the seriousness of the crime, the Service cannot ignore your conduct, which shows a complete disregard for the law.

You have not established your eligibility for citizenship under the provisions of Section 316 of the Act, *supra*. Therefore, your application is Denied. This denial is without prejudice to your filing an application for citizenship when you become eligible under the applicable provisions of the Act.